

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HARRISON FRANKLIN,

Plaintiff,

v.

GREGORY GRAMS, *et al.*,

Defendants.

ORDER

11-cv-736-wmc

Plaintiff Harrison Franklin filed this civil action under 42 U.S.C. § 1983, alleging that he had been denied medical and dental care while in custody of the Wisconsin Department of Corrections. On April 16, 2015, the court dismissed Franklin's complaint based on his failure to comply with an order directing him to execute a standard medical release form authorizing disclosure of his medical records for the duration of this lawsuit. Franklin filed a motion to reopen the case, which the court denied because he failed to execute the form as required by the court. (Dkt. # 92). The court granted Franklin fifteen days to file a new motion to reopen, directing him to provide a signed copy of the medical release form.

On May 6, 2015, Franklin filed a Second Motion to Reopen. (Dkt. #93). Franklin accompanied his motion with an Authorization and Informed Consent for Use and Disclosure of Medical Information, which he signed. (Dkt. #93-1). However, Franklin redacted the portion of the form indicating that he signed it voluntarily. In his motion, Franklin states that he removed that language because he "signed this form as a result of the court's order of 4-29-15."

Although the Department (and this court) might reasonably dispute this characterization, particularly in a civil case, the court is hopeful the Wisconsin Department of Corrections will agree to release his records to counsel even with this redaction in order to get to the merits of his motion to reopen. Regardless, defendants are directed to file a response to

Franklin's Second Motion to Reopen, advising whether in its view Franklin has now complied with the court's order to authorize disclosure of his medical records for the duration of this lawsuit, and if so, whether they oppose the re-opening this case

ORDER

IT IS ORDERED that defendants shall, within **fourteen days** of the date of this order, file a response to Plaintiff Harrison Franklin's pending motion (dkt. # 93), advising whether Franklin has complied with the court's order to authorize disclosure of his medical records for the duration of this lawsuit, and, if so, whether they oppose re-opening this case.

Entered this 15th day of May, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge